

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANNE DE LACOUR, ANDREA WRIGHT, and
LOREE MORAN, individually and on behalf of
all others similarly situated,

Plaintiffs,

v.

COLGATE-PALMOLIVE CO., and TOM'S OF
MAINE INC.,

Civil Action No. 1:16-cv-08364-KMW

Defendants.

DECLARATION OF HANNAH Y. CHANOINE

I, Hannah Y. Chanoine, do hereby declare the following under penalty of perjury
pursuant to 28 U.S.C. § 1746:

1. I am an attorney at O'Melveny & Myers LLP, counsel of record for defendants Colgate-Palmolive Co. ("Colgate"), and Tom's of Maine Inc. ("Tom's," and together with Colgate, "Defendants"). I am admitted to the Bar of the State of New York, and am licensed to appear before this Court. I hereby submit this declaration in support of Defendants' Motion to Exclude Reports and Testimony of Plaintiffs' Expert Brian M. Sowers based upon my personal knowledge and review of the case file.

2. Attached as **Exhibit 1** is a true and correct copy of excerpts of the September 13, 2022 deposition of Plaintiffs' proffered consumer survey expert, Mr. Brian M. Sowers (the "Sowers Tr.").

3. Attached as **Exhibit 2** is a true and correct copy of the July 21, 2022 Expert Report of Plaintiffs' proffered consumer survey expert, Mr. Brian M. Sowers (the "Sowers Report").

4. Attached as **Exhibit 3** is a true and correct copy of excerpts of Appendix G, “Toothpaste Survey Data Listing,” and Appendix H, “Deodorant Survey Data Listing,” to the July 21, 2022 Expert Report of Plaintiffs’ proffered consumer survey expert, Mr. Brian M. Sowers (the “Verbatims”).

5. Attached as **Exhibit 4** is a true and correct copy of Plaintiffs’ First Amended Class Action Complaint, filed on December 9, 2016 (the “FAC”).

6. Attached as **Exhibit 5** is a true and correct copy of the July 22, 2022 Expert Report of Plaintiffs’ proffered materials expert, Dr. Zhaohui Sunny Zhou (the “Zhou Report”).

7. Attached as **Exhibit 6** is a true and correct copy of the Curriculum Vitae of Plaintiffs’ proffered consumer survey expert, Mr. Brian M. Sowers (the “Sowers CV”).

8. Attached as **Exhibit 7** is a true and correct copy of the September 30, 2022 Errata Sheet signed by Plaintiffs’ proffered consumer survey expert, Mr. Brian M. Sowers (the “Sowers Errata”).

9. Attached as **Exhibit 8** is a true and correct copy of the August 23, 2022 Rebuttal Expert Report of Professor Ran Kivetz, Defendants’ expert in surveys, marketing, and consumer psychology (the “Kivetz Rebuttal”). Pursuant to the contemporaneously filed letter motion to seal, portions of Exhibit 8 have been designated as confidential by Defendants and have been filed under seal.

10. Attached as **Exhibit 9** is a true and correct copy of the Curriculum Vitae of Professor Ran Kivetz, Defendants’ expert in surveys, marketing, and consumer psychology (the “Kivetz CV”).

11. Attached as **Exhibit 10** is a true and correct copy of excerpts of the July 17, 2018 deposition of Plaintiff Loree Moran (the “Moran Tr.”).

12. Attached as **Exhibit 11** is a true and correct copy of an excerpt of Professor Shari Diamond’s Reference Manual on Scientific Evidence, *Reference Guide on Survey Research* (Federal Judicial Center, 3d ed. 2011) (“Diamond, S., Reference Manual on Scientific Evidence, *Reference Guide on Survey Research*”).

13. Attached as **Exhibit 12** is a true and correct copy of Appendix B of the July 21, 2022 Expert Report of Plaintiffs’ proffered survey expert, Mr. Brian M. Sowers (“Sowers Report, Appendix B”).

Executed this 24th day of October, 2022, in New York, New York.

/s/ Hannah Y. Chanoine
Hannah Y. Chanoine